

DRAFT CPL POST CLOSURE REQUIREMENTS

Stipulated Compliance Order Docket #NOVI10-1

Red Butte

UTAH DIVISION OF WATER QUALITY

IN THE MATTER OF CHEVRON PIPE LINE COMPANY (CPL) SALT LAKE CITY, UTAH	DOCKET NUMBER. NOV I10-1 STIPULATED COMPLIANCE ORDER
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This Stipulated Compliance Order (“Agreement”) is between to Chevron Pipe Line Company (CPL) and the Utah Division of Water Quality (“Division” or “DWQ”). The Division intends to formally close out NOV I10-1 issued to CPL on July 13, 2010, in response to the June 10, 2010 oil spill into Red Butte Creek subject to Ongoing Post Closure Compliance Requirements identified below. The Utah Water Quality Board acting through the executive secretary entered a joint settlement agreement with Salt Lake City Corporation and CPL concerning the June 10, 2012 oil spill into Red Butte Creek on November 10, 2011, that included payments for damages and penalties and a release of claims, but did not release CPL from ongoing obligations to clean up the spill. CPL’s obligations in this Agreement are intended to be consistent with the November 10, 2011 settlement agreement, and in particular, consistent with paragraph 8 of the November 10, 2011 settlement agreement.

A. Ongoing Post Closure Compliance Requirements

1. CPL must complete all clean-up related work included in work plans and required for the following sites:

- a. CPL has completed a foundation restoration in and adjacent to Red Butte Creek at 1365 E. Harvard Ave. During excavation in the Creek for the new foundation, CPL reported that a substance that was likely oil was encountered on two occasions. Additional samples were taken to give boundary to the areas of contamination. CPL’s contractor removed the contaminated material and confirmation samples were collected. The identified areas were small (estimated to be about 15 cubic feet combined) and may have been associated with old concrete walls that were removed.

After completion of all excavation activities, CPL will submit a report to the DWQ Director for approval. The report will document any contamination encountered potentially related to the CPL spills and the ultimate disposition of these soil/sediment/debris. The analytical results and locations for all confirmation samples representing any soil/sediment/debris remaining will also be documented. Anticipated end date for this project is November 1, 2012, and a final report will be due by December 15, 2012.

- b. CPL has completed the removal of railroad ties adjacent to Red Butte Creek at 1109 E. Harvard Ave. The bank has been replaced with a hardened concrete channel with embedded rock to the satisfaction of Salt Lake City. The project was completed in August 2012. A final report will be due by December 15, 2012.

- c. CPL will meet the obligations in “Riparian Corridor Action Items” in “Attachment 1-Action Measure Implementation Schedule” in “Response of Chevron Pipe Line Company to Review Comments; Notice of Violation and Order Issued by the Utah Water Quality Board Docket No. I10-01” to the satisfaction of Salt Lake City. Anticipated end date for construction completion of all projects is October 1, 2013, and a final construction completion report will be due by December 15, 2013. Chevron will monitor the success of the restoration measures for one year following construction completion, and will repair, replace or restore areas that warrant further action.
- d. CPL will meet the obligations regarding the installation of a block valve near the University of Utah's (U of U) Natural History Museum. The easement is on the U of U's property and shared with the Bonneville Shoreline Trail. The block valve site has been commissioned and is fully operational. Several ancillary aspects of the project including landscaping are scheduled for completion next year. A final completion report is due by August 15, 2013.

2. CPL will continue to monitor Red Butte Creek in accordance with the finalized Sampling and Analysis Plan. Monitoring frequency is reduced to twice per year and shall occur in April and August, with results reported to the DWQ Director. The August 2014 sampling event will be identical to the August 2011 sampling event conducted in support of the Human Health and Ecological Risk Assessments. CPL may implement modifications to these requirements after written approval from the DWQ Director. If the monitoring confirms that spill residues are not adversely affecting the water quality beneficial uses, CPL may petition the Director for cessation of monitoring after the August 2015 sampling event.

3. CPL will work with Salt Lake City Department of Parks and Public Lands to remove warning signs placed at Red Butte Creek. The results of DWQ's Human Health Risk Assessment, the Utah Department of Health's Health Consultation on the Red Butte Creek site, and the absence of complaints or observations from creek users supports removal of these signs.

4. DWQ will retain jurisdiction, and CPL will continue to respond at DWQ's direction to new observations or complaints regarding potential remaining spill contamination in or around Red Butte Creek when additional information discloses a significant problem associated with the CPL release of crude oil. CPL will not address any potential remaining spill contamination without approval by DWQ. Comprehensive reporting for each of these will be required, as requested by DWQ.

5. CPL will continue to work with Utah Division of Wildlife Resources (UDWR) in restocking and ongoing monitoring of Bonneville Cutthroat Trout fish recovery per their agreement. A copy of the completion report to the satisfaction of UDWR will be required to be submitted to DWQ at the end of this project.

B. NOW THEREFORE, CPL STIPULATES THAT:

1. CPL shall comply with the Ongoing Post Closure Compliance Requirements identified herein (“Post Closure Requirements”).

2. Nothing in this Agreement shall constitute or be construed as a waiver by the Division to initiate enforcement action, including the imposition of civil penalties, against CPL in the event of noncompliance with this Agreement, or future obligations arising under this Agreement, or future violations of the Utah Water Quality Act or rules. Nor shall the Division be precluded in any way from taking appropriate action to abate an endangerment to public health or the environment should such a situation arise. Additionally, nothing in this Agreement shall be considered as a modification to the November 10, 2011 settlement agreement referenced above. Also, this Agreement shall not in any way relieve the CPL of any obligation to comply with applicable local, state or federal laws or regulations.

3. CPL shall supply to the Division all requested information in order to assure compliance with this Agreement.

4. If there is a dispute between the parties under any provision of this Agreement, either party may commence a proceeding under Section 19-5-112 of the Utah Code Ann. to resolve the dispute.

5. CPL shall perform the requirements of this Agreement within the time frames set forth in the Post Closure Requirements unless CPL obtains an extension of time from the Division which CPL requests in advance of the deadline.

6. The undersigned CPL representative certifies that s/he is fully authorized to enter into the terms and conditions of this Agreement and to bind CPL to this Agreement.

7. This Agreement shall be effective the day upon which it has been fully executed, subject to public comment.

8. When written notice is required to be given or a report or other document is required to be sent by one party to another it shall be directed to the individuals at the addresses set forth below, unless those individuals or their successors give notice of a change to the other party in writing.

As to CPL:

Chevron Pipe Line Company
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Attn: Terry Duhon, Vice President, Mid-Continent Asset

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Chevron Pipe Line Company
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As to DIVISION:

Walter L. Baker, P.E.
Director
Utah Division of Water Quality
P.O. Box 144870
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Hand Delivery only:

Multi Agency State Office Building
195 North 1950 West, Third Floor
Salt Lake City, Utah

Phone: 801-536- 4300

Email: Wbaker@utah.gov

9. Finalization of this Agreement is subject to public comment.

IT IS SO AGREED.

Chevron Pipeline Company

Terry P. Duhon
Vice President, Chevron Pipe Line Company

Date: _____

IT IS SO ORDERED AND AGREED.

Walter L. Baker, P.E., Director
Utah Division of Water Quality

Date: _____

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